IN RE: PETITION FOR ADMIN. VARIANCE N/S Caswell Road, 33' NW of the c/l of Carvel Road

(5524 Caswell Road)

1st Election District

1st Councilmanic District

John V. Murrin, Jr. Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 99-212-A

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, John V. Murrin, Jr. The Petitioner seeks relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building to be located in the side yard in lieu of the required rear yard. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of this Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

ORDER RECEIVED FOR FILING

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Adv of December, 1998 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The proposed storage building shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) The proposed building shall not be used for business or commercial purposes, inconsistent with the residential zoning of the property.

4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

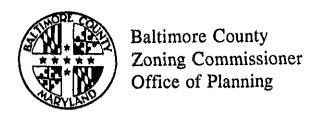
LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bis

2





Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 -410-887-4386

December 21, 1998

Mr. John V. Murrin, Jr. 5524 Caswell Road Baltimore, Maryland 21207-5110

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Caswell Road, 33' NW of the c/l Carvel Road
(5524 Caswell Road)
1st Election District – 1st Councilmanic District
John V. Murrin, Jr. - Petitioner
Case No. 99-212-A

Dear Mr. Murrin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: People's Counsel; Case File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	SSA4 CASWELL ROAD	
	h is presently zoned <u>D.R</u>	3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

ACC. I FLZR TO PERMIT AN

ACCESSORY BLDG. IN THE SIDE IN LIEU OF THE REAR YARD.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			I/We do solemnly decla perjury, that I/we are the is the subject of this Pe	e legal owner(s) or પ	the penalties ne property wh
Contract Purchaser	/Lessee:		Legal Owner(s):		
			TOHN V. MURRIN	JR.	
Name - Type or Print			TOHN V. MURRIN Name - Type or Print Com. V. Mush Slohature	in St.	
Signature			Signature	70-	
Address		Telephone No.	Name - Type or Print		
City	State	Zip Code	Signature		
Attornev For Petitic		•	5524 CASWELL R	OAD (410) S	265-7031
Attorney For Fetting	MIGI.			WD.	Telepho 31207 つ
			Address BALIMORE City	State	Zip
Name - Type or Print			Representative to	be Contacted:	
Signature					
e omp iny			Name		
Address		Telephone No.	Address		Telephon
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ffidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	<u>5524 cAsu</u> Address	ELL ROAD		
	BALTIMORI		MD State	21207-5110 Zlp Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	ip or practical	difficulty):	ch I/we base the	e request for an Administrative
I WANT TO TEAR DOWN AN EXISTING S	TRUCTURE I	IND ERECT I	STORAGE !	BUILDING IN ITS PLACE.
IN SO DOING, I WILL BE ABLE TO	RE-USE	THE EXIST	ING CONCR	ETE SLAB, AND
TIE-IN THE PROPOSED BUILDIN	G TO AN I	EXISTING F	BUILDING.	THE PROPOSED
BUILDING WILL BE 24 FT. FROM	THE WE	STERN BOF	RDER OF M	y LOT . TO THE WEST
OF THAT BORDER IS VACANT LA	NWO QUE	ED BY THE	FEDERAL	GOVERNMENT
(SOCIAL SECURITY ADM.). THE PRO	POSED	BUILDING;	THEN, WIL	L NOT BE IMPINGING
UPON THE PROPERTY, OR THE SE				
That the Affiant(s) acknowledge(s) that if a fo advertising fee and may be required to provide a signature	additional info	rmation.		
JOHN V. MURRIN, JR.		Name - Type	or Print	
		7		
STATE OF MARYLAND, COUNTY OF BALTIN				
of Maryland, in and for the County aforesaid, per			<u>798</u> , before m	e, a Notary Public of the State
the Affiant(s) herein, personally known or satisf law that the matters and facts hereinabove set for	factorily ident	fied to me/as s	such Affiant(s), le best of his/he	and made oath in due form of r/their knowledge and belief.
AS WITNESS my hand and Notarial Seal				
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		Commission Ex	pires 07	21-02
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	wine Ur MAN	LANU	MIV CYNAMAROCION	EVANDE

MY COMMISSION EXPIRES 7-21-02

MY COMMISSION EXPIRIT

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	5524 CASWELL	ROAD		
	BALTIMORE		Mp State	21207-5110
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	ving are the facts	s upon which I/w culty):		t for an Administrative
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BORDER IS VACANT LAND OWNES	•			
THE PROPOSED BUILDING, THEN, W				****
THE SENSIBILITIES OF ANY MEIG				y
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STATE OF MARYLAND, COUNTY OF BALTIM I HEREBY CERTIFY, this	sonally appeared 'www.in actorily identified	to me as such	Affiant(s), and mad	ary Public of the State le oath in due form of lowledge and belief.
AS WITNESS my hand and Notarial Seal				
16 - Nov - 1998 Date	Notary		ann S	haz
REV 09 15 98		mission Expires	ZOBESHAMIN SCHOOLINGT NOTARY PUBLIC	2

STATE OF MARYLAND MY COMMISSION EXPIRES 7-21-0?



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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		for the prope	rty located	vhich is p	resently zo	ned <u>D.R3</u>	.5
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*							
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			<u>Jc</u>	M. V. MI	JRRIN, JE	<i>}</i>	
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Signature				ature)	0-	
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Attorney For Pet	itioner:			Ган САSU ress	ELL ROAL	(410)	265-7031 Telephone No.
				<u>itimore</u>		<u>MD</u> State	21307-5110 Zip Code
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2211 9115198			Estimated	Posting D	ate		. <u></u> .

20NING DESCRIPTION

212

ZONING DESCRIPTION FOR 5524 CASWELL ROAD

BEGINNING AT A POINT ON THE WORTH SIDE OF CASWELL ROAD, WHICH IS

40 FEET WIDE AT THE DISTANCE OF 33 FEET NORTHWEST OF THE CENTERLINE

OF THE NEAREST IMPROVED INTERSECTING STREET, CARVEL ROAD, WHICH IS

40 FEET WIDE. BEING LOT # 10, BLOCK - -, SECTION # H IN THE

SUBDIVISION OF COLONIAL PARK ESTATES AS RECORDED IN BALTIMORE

COUNTY PLAT BOOK # JWS 2 AT PLAT 337, FOLIO # 502, CONTAINING

28,000 SQUARE FEET. ALSO KNOWN AS 5524 CASWELL ROAD AND

LOCATED IN THE 1ST ELECTION DISTRICT, 1ST COUNCILMANIC DISTRICT.

CERTIFICATE OF POSTING

cert.doc

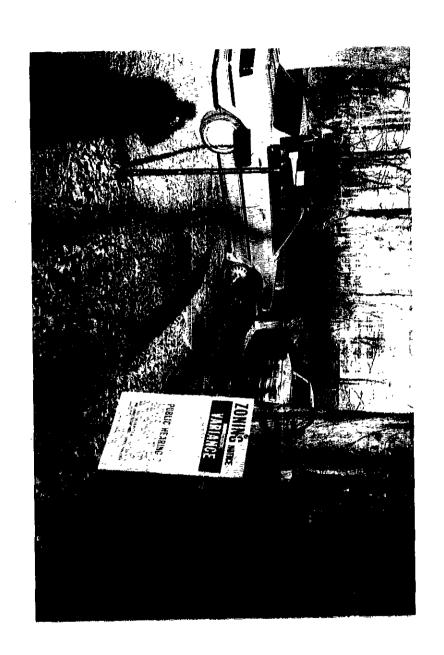
	RE: Case No.: $99 - 212 - A$
	Petitioner/Developer:
	MR. JOHN MURRIN
	Date of Hearing/Closing: 12-14-08
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
This letter is to certify under the penalties of perwere posted conspicuously on the property loca 5524 CASWECC The sign(s) were posted on NOV. ZE	ted at
	Month, Day, Year)
PDM	Sincerely, (Signature of Sign Poster and Date) (Signature of Sign Poster and Date) (Printed Name) (Printed Name) 3225 RYERSONI CINCLE (Address) (City, State, Zip Code) (410) 242-4263 (Telephone Number)
9/96	

ACCOUNT	PROCESS ACTUME TIME 1/19/1998 11/19/1998 10:26:55 EN MSO3 CANHIER PMES PEN DRAMER 3 5 MISCELLAMOUS CASH RECEIPT
A 73 / 1 / 3 / 3	Referre N 066376 OFFR R NO. 060749 SO.00 CHECK
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A F g d







ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

•
Case Number 99- 212 -A Address 5524 CASWELL RD.
Contact Person: LEWIS Phone Number: 410-887-3391
Filing Date: 11998 Posting Date: 112998 Closing Date: 12149
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 99- 212 -A Address 5524 CASWELL RI)
Petitioner's Name JOHN MURRIN JR. Telephone 410 265 7031
Posting Date: 11 29 98 Closing Date: 12 14 98
Wording for Sign: To Permit AN ACCESSORY BUILDING IN THE SIDE IN LIEU
OF THE REAR YARD.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

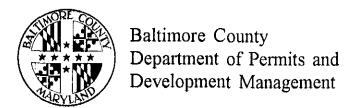
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 99-212-A
Petitioner: JOHN V. MURRIN, JR.
Address or Location: 5524 CASWELL ROAD
PLEASE FORWARD ADVERTISING BILL TO:
Name: JOHN V. MURRIN, JR.
Address: 5524 CASWELL ROAD
BATIMORE, MD 21207
Telephone Number: (410) 265 - 7031
→



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

December 14, 1998

Mr. John V. Murrin, Jr. 5524 Caswell Road Baltimore, MD 21207-5110

RE: Item No.: 212

Case No.: 99-212-A

Location: 5524 Caswell Road

Dear Mr. Murrin:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on November 16, 1998.

The Zoning Advisory Committee (ZAC), which consists representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Zoning Supervisor Zoning Review

WCR:ggs

Enclosures



Parris N. Glendening Governor David L. Winstead Secretary Parker F. Williams Administrator

Date: 11.27.92

Ms. Gwen Stephens Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County

Item No. Z/Z

Dear. Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

f. J. Soll

In Michael M. Lenhart, Acting Chief Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: November 30, 1998

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):

Item No (s): 188, 209 and 212

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

AFK/JL



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880

November 30, 1998

Arnold Jablon, Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF November 30, 1998

item No.: See Below Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, (N REFERENCE TO THE FOLLOWING ITEM NUMBERS:

200, 207, 209, 210, 211, 212, 213, 214, and 185

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

tile

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: December 18, 1998

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor Bureau of Developer's Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for December 7, 1998

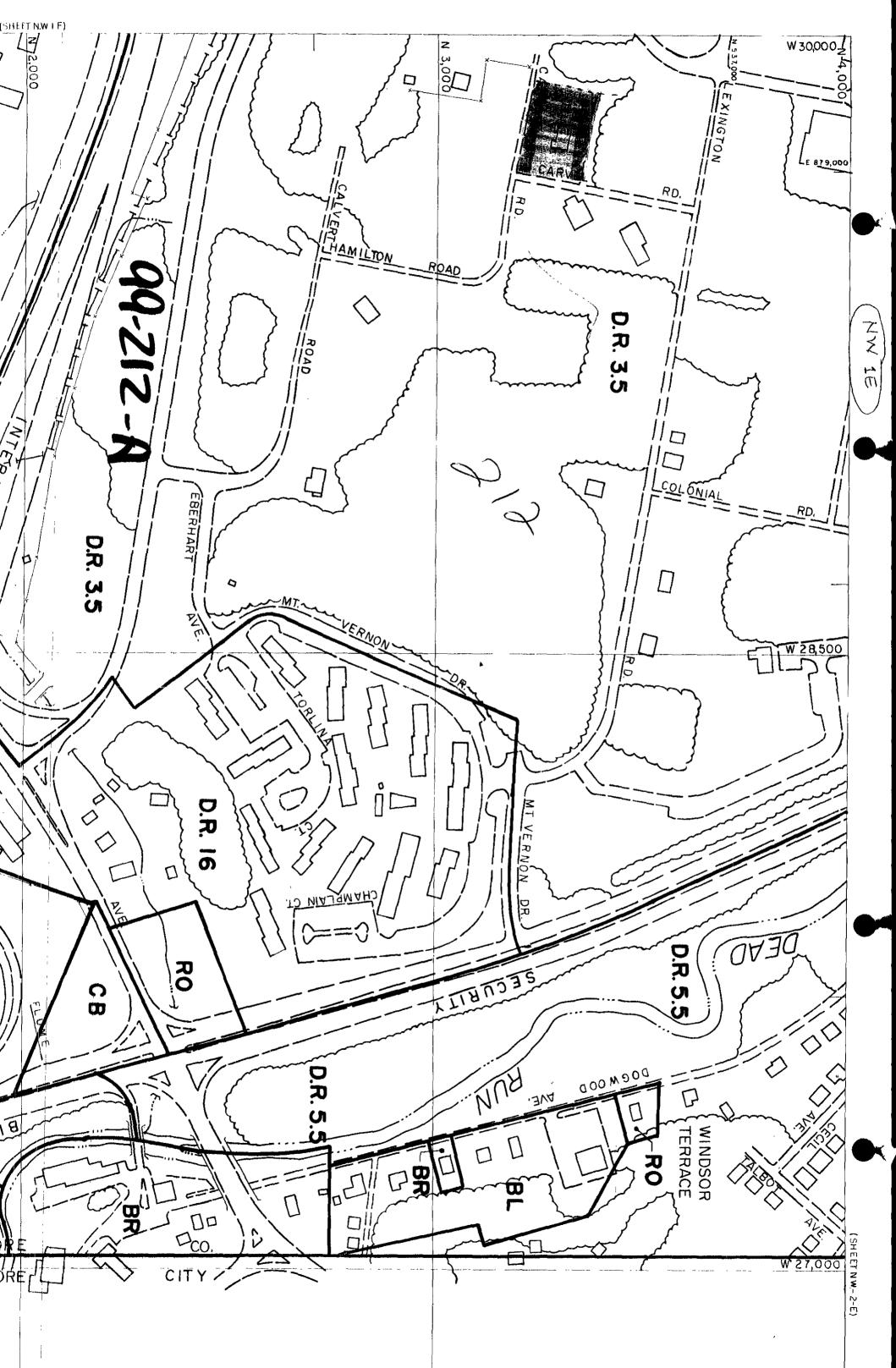
Item Nos. 206, 208, 209, 211, (2

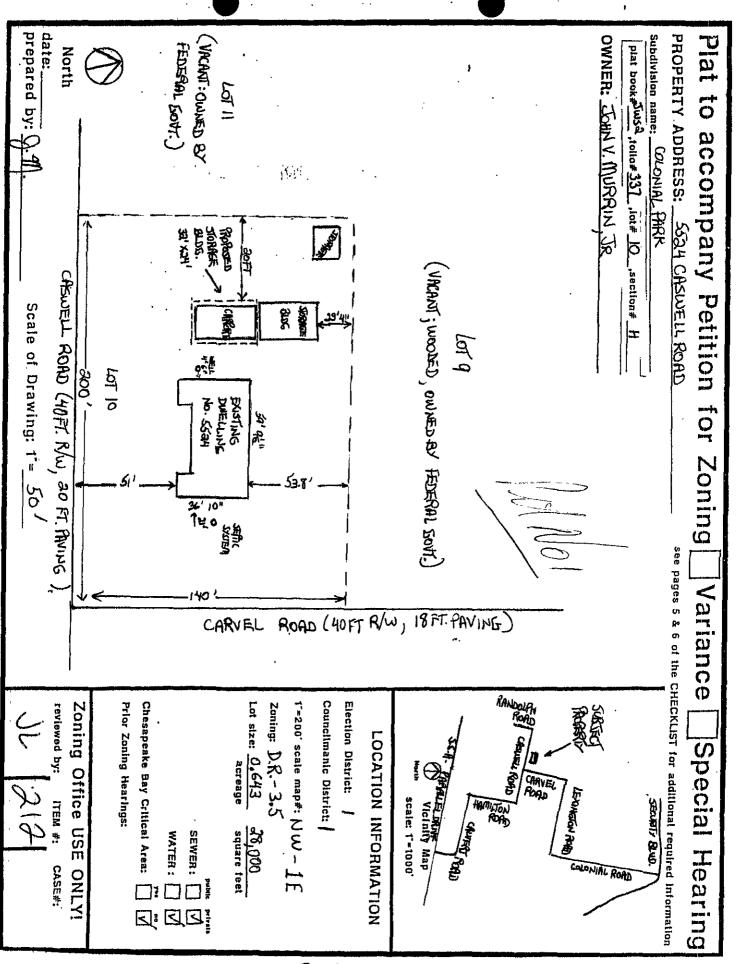
and 213

The Bureau of Developer's Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File









99-212-A





99-212-A





99-212-A





99-212-A

